

# STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

8 February 2022

## Response to Swale Borough Council Local Plan Review 'Issues and Preferred Options' Consultation

<b>Final Decision-Maker</b>	STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE
<b>Lead Head of Service</b>	Phil Coyne (Interim Director Local Plan Review), Rob Jarman (Head of Planning and Development)
<b>Lead Officer and Report Author</b>	Mark Egerton (Strategic Planning Manager)
<b>Classification</b>	Public
<b>Wards affected</b>	All

### Executive Summary

Swale Borough Council has consulted on its Local Plan Review Regulation 18 'Issues and Preferred Options'. This report summarises the key implications for Maidstone Borough and includes a proposed response to the consultation as Appendix A. The report recommends that Members agree the response to the consultation.

### Purpose of Report

Decision

### This report makes the following recommendations to this Committee:

1. That Members note the consultation on the Swale Borough Council Local Plan Review Regulation 18 'Issues and Preferred Options'
2. That the response to the Swale Borough Council Local Plan Review Regulation 18 'Issues and Preferred Options' consultation is noted and agreed

### Timetable

<b>Meeting</b>	<b>Date</b>
Strategic Planning and Infrastructure Committee	8 February 2022

# Response to Swale Borough Council Local Plan Review 'Issues and Preferred Options' Consultation

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Accepting the recommendations will enable the Council to ensure that plans elsewhere in Kent do not materially harm its ability to achieve each of the corporate priorities.</p>	Rob Jarman (Head of Planning & Development)
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendations support the achievements of the four cross cutting objectives by ensuring that the actions of neighbouring authorities do not materially harm the council's ability to achieve these objectives.</p>	Rob Jarman (Head of Planning & Development)
<b>Risk Management</b>	<p>The recommendations seek to reduce the risk associated with the production of the Local Plan Review by ensuring that plans in a neighbouring authority are not in conflict with our own and those set out in government policy.</p>	Rob Jarman (Head of Planning & Development)

<b>Financial</b>	The recommendations seek to reduce the risk and potential financial cost of the Local Plan Review by ensuring that plans in a neighbouring authority are not in conflict with our own.	Section 151 Officer & Finance Team
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Rob Jarman (Head of Planning & Development)
<b>Legal</b>	As part of its duty to co-operate, the Borough Council must engage constructively, actively and on an ongoing basis with neighbouring Council in the preparation of development plan documents in order to maximise the effectiveness of the activity of plan preparation. Swale Borough Council are consulting with the Maidstone Borough Council on the development of their local development plan. Maidstone Borough Council is responding to that consultation. Whilst there are no legal implications arising from the response, accepting the recommendations will help to fulfil the Council's duties under s.33A of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations (2012) (as amended).	Russell Fitzpatrick MKLS (Planning)
<b>Privacy and Data Protection</b>	Accepting the recommendations will not increase the volume of data held by the Council.	Policy and Information Team
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities and Communities Officer
<b>Public Health</b>	No implications identified	[Public Health Officer]
<b>Crime and Disorder</b>	The recommendation will not have a negative impact on Crime and Disorder.	Rob Jarman (Head of Planning & Development)
<b>Procurement</b>	N/A	Rob Jarman (Head of

		Planning & Development)
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and accepting the recommendations aligns with associated actions of the Biodiversity and Climate Change Action Plan	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Swale Borough Council's Local Plan (Bearing Fruits 2031) was adopted in July 2017 and sets out the development strategy for Swale up to 2031. As required by the NPPF this plan should be reviewed after five years and in 2018 Swale Borough Council (SBC) commenced work on its Local Plan Review.
- 2.2 Between April and June 2018, SBC undertook a Regulation 18 consultation entitled 'Looking Ahead'. This was followed in February 2021 with a consultation on the 'Pre-Submission Local Plan (Regulation 19)'. A response was sent by Maidstone Borough Council, which was agreed by this committee on 13 April 2021.
- 2.3 In the event, a decision was taken by SBC to re-run their Regulation 18 Consultation. This latest consultation, on 'Issues and Preferred Options', has been undertaken in order to 'enable the implications of the most recent revisions to the NPPF (July 2021) to be considered'. A further Regulation 19 consultation is then expected to take place in February 2022.
- 2.4 A full copy of the SBC Issues and Preferred Options consultation document is available here - [https://services.swale.gov.uk/assets/Planning%20Policy%202019/Reg%2018%20October%202021/FINAL%20SBLP%20\(Oct%202021\)%20Issues%20and%20Options.pdf](https://services.swale.gov.uk/assets/Planning%20Policy%202019/Reg%2018%20October%202021/FINAL%20SBLP%20(Oct%202021)%20Issues%20and%20Options.pdf)
- 2.5 The SBC Issues and Preferred Options consultation took place between 29 October 2021 and 29 November 2021. Due to a technical issue with the IT system that is used by Maidstone, Swale and several other local authorities, Maidstone Officers were not alerted to this consultation. However, given the ongoing working relationship and cooperation between the two authorities, officers have quickly become aware of the issue, and we are accordingly, in a position to respond to this now. This approach has also been agreed by officers in Swale and the matter is being investigated by Mid Kent ICT Services to ensure that it does not reoccur.
- 2.6 The consultation is primarily focussed on the development strategy for Swale borough and comprises a series of sub-headings with questions. The consultation is also accompanied by a suite of evidence base documents. This includes:
- Employment Land Review
  - GTAA

- Local Landscape Designation Review
- Landscape Sensitivity Study
- Strategic Housing Land Availability Assessment (SHLAA)
- Local Housing Needs Assessment (standard method)
- Strategic Housing Market Assessment (SHMA)
- Strategic Flood Risk Assessment (SFRA - Level 1)
- Sequential Test
- Retail & Leisure Needs Assessment
- Settlement Hierarchy Study
- Transport modelling
- Air Quality modelling
- Assessment of New Settlements submission sites (Strategic Development Option sites)
- Open Space Assessment Study
- GBI Strategy
- Biodiversity Baseline Report
- Local Green Space Designations
- Viability Study

2.7 MBC and SBC have engaged in ongoing duty to cooperate throughout the development of their respective plans. This has resulted in a draft Statement of Common Ground, which was published by MBC with its recent Regulation 19 Local Plan Review Draft for Submission documents. As noted above, MBC has also responded to the previous SBC Local Plan Review consultations. Focus has therefore been on reference back to those responses, as well as the key changes associated with this latest consultation.

2.8 The document contains proposals regarding vision, objectives, employment and retail, climate change, place-shaping and design, and housing types, for example and none of these would initially result in MBC wishing to raise issues. However, a primary focus of this consultation is on how Swale propose to meet their borough's housing need, as well as reasonable alternative spatial development strategies. The consultation document notes that *"there are limited opportunities to allocate development on unconstrained land and that some difficult choices will need to be made noting that there are other factors at play such as services, facilities and infrastructure"*.

2.9 The document notes *"Should the council have a case to support not being able to meet its full need, it would need to negotiate unmet need being delivered in other areas in order to secure a sound local plan"*. Whilst the document sets out a vision and objectives that imply that need will be met within Swale Borough, the document nonetheless asks whether SBC should attempt to justify not complying with the Government's Standard Method for calculating housing need, due to constraints. It also asks whether SBC *"should consider asking our neighbours to provide for our unmet development needs?"*. The question is caveated, and the risks are clearly set out, but this, nonetheless, is a clear question.

2.10 The document also sets out *"five potential development options across a spectrum of opportunities to meet the development needs within Swale"*. Possible hybrid solutions are also noted. The five development options are:

1. Business as usual (development focused on extensions to main settlements with a focus on the Thames Gateway area.)
  2. More even distribution of the additional development requirements across the borough's main urban centres and rural areas.
  3. More even distribution of the final requirements across the main urban centres (when combined with allocations in the current local plan, Bearing Fruits.)
  4. More of the overall development requirements at the eastern end of the borough.
  5. Focus our development requirements on Strategic Development Sites and/or urban extensions primarily located within existing rural areas.
- 2.11 It is apparent within the document that consideration has also been given to the key evidence base documents when considering the potential spatial approaches. Indeed, the key evidence documents suggest that SBC can meet its needs within its borough, without asking adjoining boroughs to take on their need. Furthermore, Option 3 (above) is considered to be SBC's preferred option within the document itself.
- 2.12 Option 3 would include East Faversham as an urban extension of Faversham and, in addition to a windfall allowance, would allocate homes to Sheppey (14%), Sittingbourne (10.5%), Faversham (35%) and rural areas (10.5%)
- 2.13 It is apparent that Option 3 has been considered favourably when taking into account the evidence and future needs of the borough.
- 2.14 Taking the above matters into account, it is considered appropriate to provide a focussed response to SBC that will make light of previous representations made by MBC, as well as the Duty to Co-operate and Statement of Common Ground, but also seeks to safeguard MBC's position and priorities. The response is contained as Appendix A.
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### **3. AVAILABLE OPTIONS**

- 3.1 Option 1: That officers submit a formal response to the consultation as appended to this report. This will enable a comprehensive response and for MBC's views to be taken into consideration by SBC in the formulation of its Regulation 19 draft prior to the submission of its Local Plan for examination. This will also enable that response to be referenced in future iterations of the current Statement of Common Ground between the two authorities.
  - 3.2 Option 2: That MBC makes no response. This will mean that the SBC Local Plan Review is progressed without MBC's views and interests being taken into account.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 For the reasons set out above, it is recommended that Option 1 is followed and that a formal response is made by officers as appended to this report.

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## **5. RISK**

5.1 The risk associated with these proposals, as well as any risks should the Council not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

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## **6. REPORT APPENDICES**

6.1 The following documents are to be published with this report and form part of the report:

- Appendix 1: Draft Response to the SBC Local Plan Review Regulation 19 Consultation.
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## **BACKGROUND DOCUMENTS**

Minutes and reports for Strategic Planning and Infrastructure Committee 21 April 2021, including response to Swale Regulation 19 Local Plan consultation - [https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/meetings,-minutes-And-agendas/tier-3-primary-areas/whats-new?sq\\_content\\_src=%2BdXJsPWh0dHBzJTNBjTjGjTjGbwVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmlITGlzdERvY3VtZW50cy5hc3B4JTNGQ0lkJTNEjUyJTl2TUlkJTNEzQ0MyUyNlZlciUzRDQmYWxsPTE%3D](https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/meetings,-minutes-And-agendas/tier-3-primary-areas/whats-new?sq_content_src=%2BdXJsPWh0dHBzJTNBjTjGjTjGbwVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmlITGlzdERvY3VtZW50cy5hc3B4JTNGQ0lkJTNEjUyJTl2TUlkJTNEzQ0MyUyNlZlciUzRDQmYWxsPTE%3D)